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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,771

Applicant(s)

MCCOLLUM ET AL.

Examiner

Michael Roswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11, 13-17, 19-30, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone and Matthews, III et al (US Patent 5,724,492), hereinafter Matthews.

Regarding claim 1, Vallone teaches graphical user interface ("GUI") for navigating through multimedia content comprising a left menu region comprising a first plurality of selectable menu elements, one or more of a first plurality of selectable menu elements having a plurality of sub-elements, a selection element to identify one of the first plurality of selectable menu elements, and a right menu region adjacent to said left menu region, the right menu region to display a first plurality of sub-elements associated with an identified one of said first plurality of selectable menu elements, all taught as the use of a "two-column mode" for selecting elements and sub-elements of a menu, at col. 22, lines 54-65 and shown in Fig. 28. Vallone further teaches the selection element further to identify one of the plurality of sub-elements, after which the right menu region is to be positioned to the left to cover an area previously occupied by the left menu region, wherein a new right menu region is to be displayed adjacent to the area previously occupied by the left menu region, the new right menu region including a second plurality of sub-elements associated with the identified one of the sub-elements (taught as the use of a "three-column mode" which allows the user to navigate multiple layers of menus, while displaying only two at one time on the screen, and wherein after the selection of a sub-element,

the current right menu is moved to the left menu region, and a new menu appears in the right menu region, at col. 24, lines 17-33, and seen at Figs. 31-33).

However, Vallone fails to explicitly teach dragging the right menu to cover the left menu region upon selection of a sub-element in the right menu.

Matthews teaches a method for displaying control objects in a plurality of panels, such as those found in electronic program guides or Video on Demand services. Furthermore, Matthews teaches the use of transitional effects with such an interface that includes the dragging of a selected menu region to be moved, taught as the use of animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vallone and Matthews before him at the time the invention was made to modify the GUI for navigating multimedia content of Vallone to include the transitional effects of Matthews in order to obtain a multimedia browsing GUI that allows for animations between panels.

One would be motivated to make such a combination for the advantage of producing a textured interface that is graphically pleasing to a user. See Matthews, col. 15, lines 47-51.

Regarding claim 2, Vallone teaches the scrolling or paging up and down through menu elements by a user, at col. 22, lines 57-60.

Regarding claim 3, Vallone teaches moving a selection element to the right to identify a sub-element of a menu, at col. 22, lines 61-65.

Regarding claim 4, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu

region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Regarding claim 5, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67. Vallone further teaches the identified sub-element remaining selected, as can be seen in Fig. 32, after the program "Brimstone" was selected in Fig. 31.

Regarding claims 6 and 7, Vallone teaches the selection of a sub-element from a first sub-element list, the movement of the first sub-element list to the left, and the addition of a second sub-element list on the right upon such a selection, taught as the maintenance of the two-column format upon the selection of a sub-element, at col. 24, lines 23-44.

Regarding claim 8, Vallone teaches a first plurality of selectable menu elements comprising a channel listing and wherein the first plurality of sub-elements comprises a listing of times at which programs are broadcast on an identified channel, taught as the display of program listings for selected channels, at col. 18, lines 26-38, and Fig. 22.

Regarding claims 9-11, Vallone shows in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further displays information related to a television program, such as the title and description of the program, program rating, and listing of actors in the program, in Fig. 29.

Regarding claim 13, Vallone teaches a command menu generated responsive to a user input, the command menu containing a list of actions associated with a selected menu element, taught as the program options on a "Now Showing" screen in Fig. 18, and at col. 16, lines 10-24.

Regarding claim 14, Vallone teaches in Fig. 18 the use of a "Play" function for the immediate viewing of selected media. Inherently, the media is viewed in "real time", and unless the book marking feature of col. 16, lines 34-38 is in use, the program will most certainly be viewed from the beginning.

Regarding claim 15, Vallone teaches the use of a "Save until..." feature, allowing the user to customize how long the program will be stored, at col. 16, lines 14-20 and Fig. 18.

Regarding claim 16, it can be seen in Fig. 18 that Vallone allows for the recording of a selected program through the use of a "Save to my VCR" function.

Regarding claim 17, Vallone teaches graphical user interface ("GUI") for navigating through multimedia content comprising a left menu region comprising a first plurality of selectable menu elements, one or more of a first plurality of selectable menu elements having a plurality of sub-elements, a selection element to identify one of the first plurality of selectable menu elements, and a right menu region adjacent to said left menu region, the right menu region to display a first plurality of sub-elements associated with an identified one of said first plurality of selectable menu elements, all taught as the use of a "two-column mode" for selecting elements and sub-elements of a menu, at col. 22, lines 54-65 and shown in Fig. 28. Vallone

further teaches in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further teaches the selection element further to identify one of the plurality of sub-elements, after which the right menu region is to be positioned to the left to cover an area previously occupied by the left menu region, wherein a new right menu region is to be displayed adjacent to the area previously occupied by the left menu region, the new right menu region including a second plurality of sub-elements associated with the identified one of the sub-elements (taught as the use of a "three-column mode" which allows the user to navigate multiple layers of menus, while displaying only two at one time on the screen, and wherein after the selection of a sub-element, the current right menu is moved to the left menu region, and a new menu appears in the right menu region, at col. 24, lines 17-33, and seen at Figs. 31-33).

However, Vallone fails to explicitly teach dragging the right menu to cover the left menu region upon selection of a sub-element in the right menu.

Matthews teaches a method for displaying control objects in a plurality of panels, such as those found in electronic program guides or Video on Demand services. Furthermore, Matthews teaches the use of transitional effects with such an interface that includes the dragging of a selected menu region to be moved, taught as the use of animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vallone and Matthews before him at the time the invention was made to modify the GUI for navigating multimedia content of Vallone to include the transitional effects of Matthews in order to obtain a multimedia browsing GUI that allows for animations between panels. One would be motivated to make such a combination for the advantage of producing a textured interface that is graphically pleasing to a user. See Matthews, col. 15, lines 47-51.

Regarding claim 19, Vallone teaches the scrolling or paging up and down through menu elements by a user, at col. 22, lines 57-60.

Regarding claim 20, Vallone teaches moving a selection element to the right to identify a sub-element of a menu, at col. 22, lines 61-65.

Regarding claim 21, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Regarding claim 22, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67. Vallone further teaches the identified sub-element remaining selected, as can be seen in Fig. 32, after the program "Brimstone" was selected in Fig. 31.

Regarding claim 23, Vallone teaches the selection of a sub-element from a first sub-element list, the movement of the first sub-element list to the left, and the addition of a second sub-element list on the right upon such a selection, taught as the maintenance of the two-column format upon the selection of a sub-element, at col. 24, lines 23-44.



Regarding claims 24-26, Vallone shows in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further displays information related to a television program, such as the title and description of the program, program rating, and listing of actors in the program, in Fig. 29.

Regarding claim 27, Vallone teaches a command menu generated responsive to a user input, the command menu containing a list of actions associated with a selected menu element, taught as the program options on a "Now Showing" screen in Fig. 18, and at col. 16, lines 10-24.

Regarding claim 28, Vallone teaches in Fig. 18 the use of a "Play" function for the immediate viewing of selected media. Inherently, the media is viewed in "real time", and unless the bookmarking feature of col. 16, lines 34-38 is in use, the program will most certainly be viewed from the beginning.

Regarding claim 29, Vallone teaches the use of a "Save until..." feature, allowing the user to customize how long the program will be stored, at col. 16, lines 14-20 and Fig. 18.

Regarding claim 30, it can be seen in Fig. 18 that Vallone allows for the recording of a selected program through the use of a "Save to my VCR" function.

Regarding claim 36, Vallone teaches graphical user interface ("GUI") for navigating through multimedia content comprising a left menu region comprising a first plurality of selectable menu elements, one or more of a first plurality of selectable menu elements having a plurality of sub-elements, a selection element to identify one of the first plurality of selectable

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menu elements, and a right menu region adjacent to said left menu region, the right menu region to display a first plurality of sub-elements associated with an identified one of said first plurality of selectable menu elements, all taught as the use of a "two-column mode" for selecting elements and sub-elements of a menu, at col. 22, lines 54-65 and shown in Fig. 28. Vallone further teaches in Fig. 29 a graphical information region for displaying information related to a selected menu element. Vallone further teaches the selection element further to identify one of the plurality of sub-elements, after which the right menu region is to be positioned to the left to cover an area previously occupied by the left menu region, wherein a new right menu region is to be displayed adjacent to the area previously occupied by the left menu region, the new right menu region including a second plurality of sub-elements associated with the identified one of the sub-elements (taught as the use of a "three-column mode" which allows the user to navigate multiple layers of menus, while displaying only two at one time on the screen, and wherein after the selection of a sub-element, the current right menu is moved to the left menu region, and a new menu appears in the right menu region, at col. 24, lines 17-33, and seen at Figs. 31-33).

However, Vallone fails to explicitly teach dragging the right menu to cover the left menu region upon selection of a sub-element in the right menu.

Matthews teaches a method for displaying control objects in a plurality of panels, such as those found in electronic program guides or Video on Demand services. Furthermore, Matthews teaches the use of transitional effects with such an interface that includes the dragging of a selected menu region to be moved, taught as the use of animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vallone and Matthews before him at the time the invention was made to modify the

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GUI for navigating multimedia content of Vallone to include the transitional effects of Matthews in order to obtain a multimedia browsing GUI that allows for animations between panels.

One would be motivated to make such a combination for the advantage of producing a textured interface that is graphically pleasing to a user. See Matthews, col. 15, lines 47-51.

Regarding claim 37, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67.

Regarding claim 38, Vallone has been shown to teach moving the right menu region to cover the area previously occupied by the left menu. Matthews teaches dragging a menu region in a fluid motion to cover another region, taught as the use of transition animations that show any type of motion for such transitions. See Matthews, col. 15, lines 47-67. Vallone further teaches the identified sub-element remaining selected, as can be seen in Fig. 32, after the program "Brimstone" was selected in Fig. 31.

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone, Matthews, and Ward.

Vallone teaches a graphical user interface composed of left and right menu regions and a graphical information region, suitable for selecting and viewing information pertaining to program broadcasts.

Vallone, however, fails to explicitly teach a video region on the GUI for displaying video of a broadcast in addition to the menu and information regions.

Ward teaches an interface for the viewing and recording of broadcasts, similar to that of Vallone. Furthermore, Ward teaches the use of a video region for concurrent menu selection and broadcasting, shown at Fig. 1 and col. 2 line 60 – col. 3, line 12 as the use of a picture-in-picture window for viewing broadcasts while manipulating interface menus.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Vallone and Ward before him at the time of the invention to modify the two-column broadcast interface of Vallone to include the picture-in-picture capabilities of Ward in order to obtain a two-column broadcast interface capable of broadcasting programs to a user while the user manipulates GUI menus.

One would be motivated to make such a combination for the advantage of viewing a selected broadcast while maintaining the ability to browse through channel guides, set up program recording times, etc.

### ***Response to Arguments***

Applicant's arguments filed 29 November 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Vallone fails to teach a second plurality of sub-elements associated with an identified one of the sub-elements, the Examiner respectfully disagrees. As noted in the Office Action above, Vallone teaches the use of a "three-column mode" which allows the user to navigate multiple layers of menus, while displaying only two at one time on the screen, and wherein after the selection of a sub-element, the current right menu is moved to the left menu region, and a new menu appears in the right menu region, at col. 24, lines 17-33, and seen at Figs. 31-33, which anticipates applicant's claimed second plurality of sub-elements associated with an identified one of the sub-elements.

Applicant's arguments with respect to claim 1, more specifically that Vallone fails to teach dragging a right-hand column left to cover an area previously occupied by a left menu region, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
5/11/2005



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**